

REMARKS

In the outstanding official action, the Abstract was objected to and a new abstract on a separate sheet was required. In response, a new Abstract is herewith provided on a separate sheet, thereby overcoming the objection.

In response to the suggestion in the Action that section headings be provided, this suggestion is acknowledged, but Applicants respectfully decline to add such headings as they are not required in accordance with MPEP §608.01(a).

On the merits, claims 3, 5, and 10 were deemed to be allowable if placed in independent form, while claims 1, 2, 4, 6-9, 11 and 12 were rejected under 35 USC 103(a) as being unpatentable over Berge et al in view of Bloxsom, for the reasons of record. Since it is respectfully submitted that the rejected claims are in fact clearly patentably distinguishable over the cited and applied references, for the reasons detailed below, the allowable claims have not been placed in independent form at the present time, pending a final determination of the patentability of the rejected claims.

In the Action it was admitted that the Berge reference does not teach providing amounts of compounds sufficient to lower the freezing point of the respective fluids to below -20°C. However, it was suggested in the Action that Bloxsom overcomes this deficiency by teaching compound temperatures of 300 + or - 30°F (col. 6, lines 15-16; col. 8, lines 28-30).

At the outset, it is respectfully submitted that the Bloxsom and Berge references are directed to substantially different structures, namely a solar energy collector and a variable focus lens, so that it would be unobvious to combine their teachings absent the benefit of impermissible hindsight derived from the instant disclosure.

Moreover, even if the references are deemed to be properly combinable, it is respectfully submitted that a careful reading of the cited portions of Bloxsom does not support the rejection. More particularly, what Bloxsom states in the cited portion in col. 6 is that a plastic such as Lucite acrylic is warmed to a soften state at a temperature of 300 + or - 30°F. Thus, the temperature range being referred to is clearly from 270°F to 330°F, not -30°F as this teaching is interpreted in the Action. Similarly, the text cited in col. 8 refers to operating temperatures in the range of 15°F up to 750°F, again clearly a range outside that presently claimed in the instant application. Furthermore, the temperatures disclosed in Bloxsom are in fact temperatures to which a component is warmed or at which a component is operated, and not to the freezing point of a fluid, which is a fixed number rather than a range as disclosed in the reference.

Accordingly, it is clear that the Bloxsom reference does not in fact show or suggest lowering the freezing point of a fluid to below -20°C, as recited in independent claim 1, but rather

discloses warming a component or operating a component at substantially higher temperatures.

Accordingly, it is respectfully submitted that the currently-pending claims are clearly patentably distinguishable over the cited and applied references, even if taken in combination. Allowance of the instant application is therefore respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

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